

## MEMORANDUM

TO: Members, Public Disclosure Commission

FROM: Philip E. Stutzman, Director of Compliance

DATE: January 16, 2004

SUBJECT: Status of Compliance Cases

Enclosed is an update of all compliance activity since my last memo to you dated December 2, 2003. If you would like additional information, please let me know.

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**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

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## **Part I**

### **Investigations Completed**

#### **Cases Scheduled For Hearing:**

**Scheduled for Full Enforcement Hearing** None.

#### **Scheduled for Brief Enforcement Hearing:**

**Smith, Larry--Case #04-238; Investigator: Lori Anderson**

Date Received: September 8, 2003

Date Started: September 22, 2003

Section of Law: RCW 42.17.080 & .090

Status: Investigation Complete

Summary: A complaint was received from Robert Tice alleging that Larry Smith, a candidate for Vancouver City Council, has not reported the employer and occupation information for several contributors to his campaign. A brief enforcement hearing has been scheduled for January 27, 2004.

Disposition: Pending

**Palmer, Marci--Case #04-240; Suemary Trobaugh**

Date Received: September 10, 2003

Date Started: September 19, 2003

Section of Law: RCW 42.17.080, .090

Status: Investigation Complete

Summary: A complaint was received from Rosemary Quesenberry alleging that Marci Palmer, a candidate for Renton City Council, failed to accurately disclose contribution and expenditure information as required on C-3 and C-4 reports. In addition, it was also alleged that she has paid a personal expense to the Renton Chamber of Commerce for dues using campaign funds. A brief enforcement hearing has been scheduled for January 27, 2004.

Disposition: Pending

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**Physicians for Healthcare Choice--Case #04-241; Investigator: Sally Parker**

Date Received: September 12, 2003

Date Started: September 22, 2003

Section of Law: RCW 42.17.080 & .090

Status: Investigation Complete

Summary: A complaint was received from Kurt Fritts alleging that the Physicians for Health Care Choice, a political committee registered with the PDC, filed no C-3 or C-4 reports disclosing contribution and expenditure activities after the group filed its Committee Registration Statement (PDC Form C-1pc). A brief enforcement hearing has been scheduled for January 27, 2004.

Disposition: Pending

**Grays Harbor County Republican Party--Case #04-298 Investigator: Lori Anderson**

Date Received: October 29, 2003

Date Started: November 4, 2003

Section of Law: RCW 42.17.080, & .090

Status: Investigation Complete

Summary: A complaint was received from Kurt Fritts alleging that the Grays Harbor County Republican Party (GHCRP) received a \$20,000 contribution from The Leadership Council on October 13, 2003, that was allegedly amended to reflect receipt of a \$5,000 contribution on October 14, 2003. In addition, the GHCRP made expenditures for the 19<sup>th</sup> Legislative District Senate race, but failed to file the required C-3 and C-4 reports disclosing contributions received and expenditures made. The complaint also alleges that no C-3 reports have been filed for over three years and no C-4 reports have been filed since the 2002 election cycle. A brief enforcement hearing has been scheduled for January 27, 2004.

Disposition: Pending

## **Cases Closed**

The following cases were closed as a result of enforcement hearings: (Respondents may appeal the results of enforcement hearings. For the results of appeals, see “Compliance” and “Results of Enforcement” on the PDC’s home page at [www.pdc.wa.gov](http://www.pdc.wa.gov))

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**Full Enforcement Hearings:** None.

**Brief Enforcement Hearings:** For the results of “Group Enforcement” brief enforcement hearings, other than from investigations, see “Compliance” and “Results of Enforcement” on the PDC’s home page at [www.pdc.wa.gov](http://www.pdc.wa.gov))

**Foote, Jr., H. M.; Case #02-296; Investigator: Sally Parker**

Date Received: April 15, 2002

Date Started: April 19, 2002 (Hearing held March 25, 2003 for a portion of the issues)

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was received from Dave Kaplan alleging that H. M. “Mike” Foote, Jr., a candidate for Des Moines City Council in the 2001 election cycle, failed to timely file and report contribution and expenditure activities as required.

**Disposition:** A brief enforcement hearing was held on December 15, 2003. Mike Foote was found to have violated RCW 42.17.040 by failing to change to the full reporting option prior to accepting two contributions in excess of the \$300 limit for the mini reporting option. Mr. Foote was also found to have violated RCW 42.17.080 and 42.17.090 and WAC 390-16-105 by accepting individual contributions from one source in excess of the \$300 limit for the mini reporting option. Mr. Foote was assessed a \$150 penalty, of which \$100 was suspended on the condition that the Respondent commits no further violations of RCW 42.17 for a period of four years from the date of the order.

**Foote, Jr., H. M.--Case #04-022; Investigator: Sally Parker**

Date Received: August 12, 2003

Date Started: August 22, 2003

Section of Law: RCW 42.17.040

Status: Investigation Complete

Summary: A complaint was received from Stan Scarvie alleging that H. M. “Mike” Foote, a candidate for Des Moines City Council, failed to timely file a Candidate Registration Statement (PDC Form C-1) after becoming a candidate for Des Moines City Council in 2003.

**Disposition:** A brief enforcement hearing was held on December 15, 2003. Mike Foote was found to have violated RCW 42.17.040 failing to timely file PDC form

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C-1 within two weeks of becoming a candidate. Mr. Foote was assessed a \$100 penalty, of which the entire \$100 penalty was suspended on the condition that the Respondent commits no further violations of RCW 42.17 for a period of four years from the date of the order.

**Irons, David -- Case #04-269; Investigator: Lori Anderson**

Date Received: September 26, 2003

Date Started: September 30, 2003

Section of Law: RCW 42.17.040, .080 & .090

Status: Investigation Complete

Summary: A complaint was received from the Washington State Democratic Central Committee alleging that David Irons, an incumbent King County Councilmember up for re-election in 2003, failed to have his books and records open for public inspection for the primary election, and failed to timely amend his Candidate Registration Statement. In addition, it was alleged that Mr. Irons failed to timely and accurately file reports disclosing contribution and expenditure activities.

**Disposition:** A brief enforcement hearing was held on December 15, 2003. David Irons was found to have violated RCW 42.17.080 by not making his campaign records available for public inspection during the eight days before the 2003 Primary Election. Mr. Irons also violated RCW 42.17.080 and 42.17.090 by failing to timely file C-3 reports and by failing to include complete vendor addresses for all campaign expenditures. Mr. Irons was assessed a \$300 penalty, of which \$200 was suspended on the condition that the Respondent commits no further violations of RCW 42.17 for a period of four years from the date of the order.

**21<sup>st</sup> Century Leadership Council --Case #04-286; Investigator: Kurt Young**

Date Received: October 17, 2003

Date Started: October 21, 2003

Section of Law: RCW 42.17.080, .090 & .640

Status: Investigation Complete

Summary: A complaint was received from Dorothy Zimmerman alleging that the 21<sup>st</sup> Century Leadership Council failed to timely report contributions and expenditures in 2002, and that it did not have the required \$10 from ten registered voters in order to be eligible to make contributions to legislative candidates.

**Disposition:** A brief enforcement hearing was held on December 15, 2003. The Respondent violated RCW 42.17.080 and 42.17.090 by failing to timely file C-3 reports and by failing to file one C-4 report. The Respondent also violated RCW



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42.17.640 by making contributions to candidates for the Washington State Legislature without first receiving contributions of \$10 from 10 registered voters in Washington State during the 180 day period before making the contributions. A \$100 penalty was assessed, of which the entire \$100 penalty was suspended on the condition that the Respondent commits no further violations of RCW 42.17 for a period of four years from the date of this order.

**19<sup>th</sup> Legislative District Republican Committee--Case #04-297 Investigator: Lori Anderson**

Date Received: October 29, 2003

Date Started: November 4, 2003

Section of Law: RCW 42.17.080, .090 & .105

Status: Investigation Complete

Summary: A complaint was received from Kurt Fritts alleging that the 19<sup>th</sup> Legislative District Republican Committee made a \$2,040 contribution to the People for Pat Hamilton campaign on October 27, 2003, but failed to file a 7-day pre general election C-4 report disclosing the expenditure, and also failed to file C-3 reports showing the contributions it has received.

**Disposition:** A brief enforcement hearing was held on December 15, 2003. The Respondent violated RCW 42.17.105 by failing to file Last Minute Contribution reports within 48 hours after it received two \$1,000 contributions. The Respondent also violated RCW 42.17.080 and 42.17.090 by failing to timely file C-3 and C-4 reports. The Respondent did not violate RCW 42.17.640(11). A \$300 penalty was assessed, of which \$200 was suspended on the condition the Respondent commits no further violations of RCW 42.17 for a period of two years from the date of the order.

The following cases were dismissed with the concurrence of the chair during this period:

**Snohomish County Labor/Business Coalition--Case #04-243; Investigator: Kurt Young**

Date Received: September 15, 2003

Date Started: September 22, 2003

Section of Law: RCW 42.17.3691

Status: Investigation Complete

Summary: A complaint was received from Paul Coates alleging that the Snohomish County Labor/Business Coalition, a political committee registered with the PDC, failed to file its reports electronically as required for a political committee. The complaint also alleged that Snohomish County Labor/Business

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Coalition was not eligible to make contributions in the Snohomish County Executive race, but that provision will not be investigated since it only applies to political committees making contributions to state office candidates.

**Disposition:** Dismissed with the concurrence of the chair. It was found that the Snohomish County Labor/Business Coalition filed a Committee Registration Statement (PDC Form C-1pc) on August 30, 2003, registering as a political committee. The Snohomish County Labor/Business Coalition filed a final report on October 9, 2003, disclosing contributions and expenditures totaling \$21,472.23 for calendar year 2003. The Snohomish County Labor/Business Coalition disbursed all \$21,472.23 in committee funds between August 29 and September 5, 2003. The Snohomish County Labor/Business Coalition neither had an expectation of spending \$25,000 nor actually spent that amount or more, the threshold for triggering the electronic filing provision, it was not required to file reports electronically.

**Nordquist, Clare -- Case #04-245; Investigator: Lori Anderson**

Date Received: September 16, 2003

Date Started: September 22, 2003

Section of Law: RCW 42.17.080 & .090

Status: Investigation Complete

Summary: A complaint was received from Alec Fisker alleging that Clare Nordquist, an incumbent Seattle Port Commissioner running for re-election, aired broadcast advertisements on television, but failed to disclose the advertisement as either an expenditure or an order placed, debt or obligation on the campaign's 7-day Pre-Primary C-4 report.

**Disposition:** Dismissed with the concurrence of the chair. It was found that the Clare Nordquist campaign consulted with GSM Mercury on August 26, 2003 for televised political advertisements. GSM Mercury produced the advertisements, which first aired on September 5, 2003, and the campaign was issued a \$44,829.63 invoice on September 11, 2003 for the contracted work. The \$44,829.63 should have been reported as an obligation or debt on the campaign's 7-day pre-Primary Election C-4 report due September 9, 2003. The \$44,829.63 debt and an additional \$600 debt were reported on September 12, 2003, three days after the due date and four days before the primary election. While the PDC staff does not condone late-filed or incomplete reports, in this instance the public was only deprived of candidate information for a very short period of time. The Clare Nordquist campaign quickly remedied the reporting error after being contacted by PDC staff, and the information was available to the public four days prior to the

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2003 primary election. Mr. Nordquist was cautioned to file timely, complete campaign reports in the future, including any orders placed, debts or obligations.

**Bainbridge Concerned Citizens--Case #04-280; Investigator: Kurt Young**

Date Received: October 10, 2003

Date Started: October 21, 2003

Section of Law: RCW 42.17.040, .080 & .090

Status: Investigation Complete

Summary: A complaint was received from Lois and Lew Andrus alleging that Bainbridge Concerned Citizens (BCC) failed to timely register and report as a political committee.

**Disposition:** Dismissed with the concurrence of the chair. It was found that BCC organized more than a year ago with the Internal Revenue Service as a non-profit organization in response to the City of Bainbridge Island's proposed changes to the Shoreline Management Program. BCC collected funds from citizens, organizations and other sources, and used those resources to produce and distribute flyers, newsletters and email communications, and six research papers regarding the City of Bainbridge Island's proposed changes to the Shoreline Management Program. BCC did not make any monetary or in-kind contributions to any candidate, and did not endorse any candidate for public office including those candidates for Bainbridge Island City Council. BCC was involved in a 2003 Primary Election Candidates Forum as a co-sponsor with the local Chamber of Commerce. BCC was also involved with two additional General Election candidate forums. BCC indicated that they submitted only one question during the debates, with the rest of the questions being asked from the audience, the moderator, or other sponsors. Documentation was submitted by BCC and reviewed by PDC staff detailing activities that indicated BCC was lobbying the Bainbridge Island City Council members, the Mayor and other city officials, mostly related to the Shoreline Management Program. Lobbying efforts directed at the local level are outside the jurisdiction of the PDC.

**Pierce County Affordable Housing Council--Case #04-302; Investigator: Kurt Young**

Date Received: October 28, 2003

Date Started: November 4, 2003

Section of Law: RCW 42.17.105

Status: Investigation Complete

Summary: A complaint was received from Diane McDaniel with the Washington State Labor Council alleging that the Pierce County Affordable Housing Council

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(PCAHC), the local political committee of the Pierce County Master Builders Association, made a contribution to the Washington Affordable Housing Council political committee during the 21-day period prior to the general election in excess of the \$5,000 limitation.

**Disposition:** Dismissed with the concurrence of the chair. It was found that the PCAHC filed a Last Minute Contribution Report (LMC) on October 21, 2003, disclosing a \$6,172.50 contribution made on October 23, 2003, to the Washington Affordable Housing Council (WAHC), the political committee of the Building Industry Association of Washington (BIAW). The \$6,172.50 contribution from the PCAHC was presented to the WAHC at the BIAW's Fall Board Meeting on October 23, 2003. The WAHC checked with the PDC, and based upon that conversation did not deposit the contribution, but instead returned the contribution the following day, October 24, 2003. Since the WAHC returned the contribution to the PCAHC one day after its receipt in accordance with RCW 42.17.020(14), no contribution was technically made by the PCAHC or received by the WAHC.

**Master Builders Association of King and Snohomish County--Case #04-303;  
Investigator: Kurt Young**

Date Received: October 28, 2003

Date Started: November 4, 2003

Section of Law: RCW 42.17.105

Status: Investigation Complete

Summary: A complaint was received from Diane McDaniel with the Washington State Labor Council alleging that the Master Builders Association of King and Snohomish County (MBAKSC), a lobbyist employer registered with the PDC, made a contribution to the Workers Against Job Killing Rules (WAJKR), a political committee supporting a statewide initiative, during the 21-day period prior to the general election that when combined with other local building association contributions exceeded the \$5,000 limitation.

**Disposition:** Dismissed with the concurrence of the chair. It was found that the WAJKR filed a Last Minute Contribution Report (LMC) on October 21, 2003 disclosing that it had received a \$5,000 contribution from the MBAKSC that was made and received on October 21, 2003. The Building Industry Association of Washington (BIAW) submitted a response on behalf of the WAJKR stating that the \$5,000 contribution from the MBAKSC was received by the WAJKR on October 21, 2003, and deposited and reported on a C-3 report on October 27, 2003. However, the \$5,000 contribution was promptly refunded on October 28, 2003.

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It was also found that the Home Builders Association of Kitsap County (HBAKC) is the sole owner of an electronic billboard located on their property in Bremerton, Washington. During the 2003 election, the HBAKC posted a “Yes on 841” message on the billboard. HBAKC stated in a declaration provided to the PDC that the billboard is used exclusively by the HBAKC and that it is used to post messages relevant to their members and issues, and that no rent is charged for its use. Since no other source with whom the MBAKSC shared a limit made a contribution to the WAJCR during the 21-day period preceding a general election, the \$5,000 contribution was within the statutory limit. In addition, no rent was charged for the use of the billboard located on the property of the HBAKC, so the message in support of Initiative 841 is not a contribution in accordance with RCW 42.17.020(14).

**Affordable Housing Council (Political Committee of MBA of King & Snohomish County)--Case #04-304; Investigator: Kurt Young**

Date Received: October 28, 2003

Date Started: November 4, 2003

Section of Law: RCW 42.17.105

Status: Investigation Complete

Summary: A complaint was received from Diane McDaniel with the Washington State Labor Council alleging that the Affordable Housing Council (AHC), the local political committee of the Master Builders Association of King and Snohomish County, made contributions to the Washington Affordable Housing Council (WAHC) during the 21-day period prior to the general election in excess of the \$5,000 limitation.

**Disposition:** Dismissed with the concurrence of the chair. It was found that the AHC filed a Last Minute Contribution Report (LMC) on October 17, 2003, disclosing a \$23,857.50 contribution to the WAHC, the political committee of the Building Industry Association of Washington (BIAW) that was made on October 16, 2003. The \$23,857.50 contribution from the AHC was presented to the WAHC at the BIAW's Fall Board Meeting on October 23, 2003. The WAHC checked with the PDC and, based upon that conversation, did not deposit the contribution but instead returned the contribution the following day, October 24, 2003. The AHC filed an amended LMC report on October 27, 2003, indicating that the LMC report initially filed on October 17, 2003, regarding the \$23,857.50 contribution to the WAHC, was filed in error. The WAHC returned the contribution one day after receipt on October 24, 2003. Thus, in accordance with

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RCW 42.17.020(14), no contribution was technically made by the AHC or received by the WAHC.

## **Cases Referred To Attorney General For Further Action**

### **Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG--#00-241; Investigator: Kurt Young**

Date Received: October 21, 1999

Date Started: October 25, 1999

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was received from Meg Van Wyk, alleging that Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG, distributed political advertising without properly reporting or filing the required campaign disclosure reports. An enforcement hearing was held February 27, 2001.

**Disposition:** The Commission found that the Respondent committed multiple apparent violations and referred the matter to the Attorney General's Office.

### **Washington Education Association—Case #01-002; Investigator: Lori Anderson**

Date Received: August 15, 2000

Date Started: August 18, 2000

Section of Law: RCW 42.17.760

Status: Investigation Complete

Summary: A complaint was received from the Evergreen Freedom Foundation and public school employees alleging that the Washington Education Association (WEA) and Washington School Districts are in violation of RCW 42.17.680 and 42.17.760. The complaint alleges that Washington School Districts are in violation of RCW 42.17.680 by withholding dues and fees from employees' wages that are used by the WEA and the National Education Association (NEA) for contributions to political campaigns. The complaint also alleges that the WEA is violating RCW 42.17.760 by using agency shop fees for political contributions and expenditures without the affirmative authorization of non-members. The complaint was forwarded to the PDC by the Attorney General's Office following its receipt of the complaint from EFF. The complaint was filed with the Attorney General's Office and all County Prosecuting Attorneys requesting that an action be commenced in the courts to address the apparent violations of RCW 42.17.

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The complaint said that if an action were not commenced in court the complainant would seek appropriate legal and equitable relief pursuant to RCW 42.17. RCW 42.17.400(4) provides a 45-day time period before a complainant may take steps to initiate a citizen’s action in superior court.

**Disposition:** The Commission accepted a Stipulation of Facts, Violations and Recommendations, found that the Respondent committed an apparent violation of RCW 42.17.760, stipulated to as actual violations, and referred the matter to the Attorney General’s Office.

**Thurston County Superior Court Disposition:** The Attorney General’s Office filed suit in Thurston County, and the case went to trial in Thurston County Superior Court. The Thurston County Superior Court found the Respondent intentionally violated RCW 42.17.760, and assessed a total civil penalty of \$400,000. The Washington Education Association has appealed that decision.

**Permanent Offense, Permanent Offense Incorporated, Traffic Improvement Initiative Committee, and Tim Eyman—Case #02-281; Investigator: Kurt Young; (Also received 45-Day Letter of Complaint)**

Date Received: February 6, 2002

Date Started: February 6, 2002

Section of Law: RCW 42.17.080, .090, .120, & .125

Status: Investigation Complete

Summary: A complaint was filed by PDC Executive Director Vicki Rippie against Permanent Offense, Permanent Offense Incorporated, Traffic Improvement Initiative Committee, and Tim Eyman alleging the following: 1) failure to properly report committee expenditures, including the purpose of those expenditures; 2) concealing the fact that committee funds were expended to pay Mr. Eyman for compensation for the work he performed on behalf of Permanent Offense; 3) use of committee funds to pay for Mr. Eyman’s personal expenses. In addition, a “45-day letter of complaint” was filed by Richard A. Smith and Knoll Lowney, attorneys with Smith & Lowney, PLLC, representing Permanently Offended, with the Office of the Attorney General and the County Prosecutor’s Offices in King, Snohomish and Thurston counties against Permanent Offense, Permanent Offense, Inc., Traffic Improvement Initiative, Tim Eyman, Karen Eyman, and Suzanne Karr alleging violations similar to those outlined in the PDC complaint.

**Disposition:** A report to the Commission was presented at its special April 9, Commission meeting. The Commission found that the Respondent committed multiple apparent violations and referred the matter to the Attorney General’s Office.

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**National Education Association—Case #02-282; Investigator: Suemary Trobaugh;  
(45-Day Letter of Complaint)**

Date Received: January 31, 2002

Date Started: February 6, 2002

Section of Law: RCW 42.17.040, .080, .090, .680 and .760

Status: Investigation Complete

Summary: On January 31, 2002, the Evergreen Freedom Foundation, Lowell Johnson, Carrie Riplinger, Susan Kobes and David Williams, through attorney Jeanne Brown filed a citizen’s action letter under RCW 42.17.400(4) with the Office of the Attorney General and the State of Washington’s County Prosecutors’ Offices. The complaint alleged violations by the NEA’s Ballot Measure/Legislative Crisis and Media Campaign Fund of 1) RCW 42.17.040 et. seq (failure to register as a political committee); 2) violations of RCW 42.17.680(3) (diverting a portion of an employee's wages or salaries for contributions to political committees without the written request of the employee); and 3) violations of RCW 42.17.760 (using agency shop fees paid by non members to influence an election without written authorization by the Individual). On February 6, 2002, the Office of the Attorney General officially notified the PDC that they were referring the matter to the PDC for investigation. PDC Staff completed a Preliminary Report of Investigation and prepared a memorandum to Commission members concerning Staff’s findings and recommendation.

**Disposition:** On April 9, 2002, the matter was on the Commission’s agenda as a report to the Commission. In light of the complaint the Evergreen Freedom Foundation filed against the NEA in Thurston County Superior Court on April 8, 2002 under provisions of RCW 42.17.400(4), the Commission accepted Staff’s recommendation that it take no action in this case. On August 23, 2002, Thurston County Superior Court Judge Paula Casey dismissed the lawsuit filed by EFF against NEA. Judge Casey’s dismissal was based on a decision by the WA State Court of Appeals in State ex rel. Evergreen Freedom Foundation v Washington Education Association, No. 25272-4-II, where the court stated that “Before the 10-day period<sup>1</sup> had passed after EFF’s second letter to the AG, the AG forwarded the allegations to the PDC for investigation...Because the AG acted before the

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<sup>1</sup> RCW 42.17.400 states: “The citizen action may be brought only if the attorney general...ha(s) failed to commence an action hereunder within forty-five days and after such notice and such person has thereafter further notified the attorney general...that said person will commence a citizen’s action within ten days upon their failure to do so...”



**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

end of the 10-day period, EFF could not bring a citizen’s action lawsuit under RCW 42.17.400...” By a unanimous vote, the Commission dismissed the allegations that NEA violated RCW 42.17.040 and 42.17.680.

On October 2, 2002, at a special Commission meeting, by a unanimous vote, the Commission dismissed the allegations that NEA violated RCW 42.17.040 and 42.17.680. By a unanimous vote, the Commission found multiple apparent violations of RCW 42.17.760 by the NEA when it used agency shop fees to make contributions or expenditures to influence an election or to operate a political committee without authorization from the employees. The Commission found that given the insufficiency of its penalty authority, in lieu of holding an enforcement hearing, the Commission referred the above referenced apparent violations to the Washington State Attorney General's Office for appropriate action pursuant to RCW 42.17.360 and .395 and WAC 390-37-100.

**Concerned Citizens for Better Government (CCBG) and Joseph Coomer,  
Treasurer, CCBG--#03-080; Investigator: Kurt Young**

Date Received: November 6, 2002

Date Started: November 6, 2002

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was filed by Vicki Rippie, PDC Executive Director, alleging that the Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer of CCBG distributed political advertising related to more than one election cycle without reporting contribution and expenditures activities that were undertaken.

**Disposition:** This matter was presented as a report to the Commission on March 25, 2003. The Commission found multiple apparent violations of RCW 42.17.065, 42.17.080 and 42.17.090 by the Respondents for failing to timely report contribution and expenditure information for 2001 and 2002 activities supporting or opposing candidates and ballot propositions. Given the insufficiency of its penalty authority, the Commission referred the apparent violations to the Attorney General’s Office for appropriate action.

**Hopkins, Hank/Environmental Materials Transport, LLC--Case #03-153;  
Investigator: Sally Parker**

Date Received: April 15, 2002

Date Started: April 19, 2002

Section of Law: RCW 42.17.105 & .120

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Status: Investigation Complete

Summary: This case is related to PDC Case No. 02-296. Hank Hopkins as President of Environmental Materials Transport, LLC (EMTLLC) was added as a respondent by PDC staff alleging that Mr. Hopkins made contributions in excess of \$5,000 within 21 days of the 2001 general election by contributing \$20,000 to Don Wasson’s political committee to support Des Moines City Council candidates Petersen, Benjamin and Steenrod. It was further alleged that Mr. Hopkins and EMT LLC concealed the source and amount of an initial \$1,000 payment that was made to Don Wasson and his political committee to support the campaigns of Gary Petersen and Richard Benjamin. In addition, it is also alleged that Mr. Hopkins and EMT LLC concealed the source and amount of contributions that were made to Mr. Wasson’s political committee totaling \$20,000 that also supported the 2001 Council campaigns of Mr. Petersen, Mr. Benjamin, and Ms. Steenrod.

**Disposition:** An Enforcement hearing before the Full Commission was held on March 25, 2003. The Commission found multiple apparent violations of RCW 42.17.120 by the Respondents for concealing contributions used to benefit candidates in the 2001 Des Moines City Council election. Given the insufficiency of its penalty authority, the Commission referred the apparent violations to the Attorney General’s Office for appropriate action.

## **Part II**

### **Active Investigations**

#### **Investigations In Progress**

**Benjamin, Richard; Peterson, Gary; Case #02-296; Investigator: Sally Parker**

Date Received: April 15, 2002

Date Started: April 19, 2002 (Hearing held March 25, 2003 for portion of issues)

Section of Law: RCW 42.17.120, .080, .090, .240

Status: Under Investigation

Summary: A complaint was received from Dave Kaplan alleging that Gary Peterson failed to disclose information on his Personal Financial Affairs Statement (PDC Form F-1); that consulting services were provided by Don Wasson to two Des Moines City Council candidates that exceeded the mini reporting limits; that the Des Moines Marina Association made contributions to three candidates for Des Moines City Council that were not disclosed; that a

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

political advertisement was produced and distributed in the City of Des Moines without sponsor identification; that additional political advertisements supporting or opposing candidates for Des Moines City Council failed to contain proper sponsor identification and were not timely reported. On May 1, 2002, a complaint addressing several of the same issues was received from Stanley M. Scarvie on behalf of Citizens for Des Moines. Mr. Scarvie’s complaint has been combined with Case #02-296.

In addition, Don Wasson was added as a Respondent and the issues concerning Mr. Wasson, as well as the issues concerning other Respondents named in the original complaint, have been handled through an enforcement hearing held March 25, 2003. (See Results of Enforcement Hearings on PDC Web page under Compliance.) The remaining issues deal with allegations of concealment (RCW 42.17.120) by Richard Benjamin and Gary Peterson, reporting issues (RCW 42.17.080 and .090) by Gary Peterson, and financial affairs reporting issues (RCW 42.17.240) by Gary Peterson.

Disposition: Pending

**Sullivan, Cynthia -- Case #04-024; Investigator: Tony Perkins**

Date Received: August 22, 2003

Date Started: August 25, 2003

Section of Law: RCW 42.17.090

Status: Under Investigation

Summary: A complaint was received from Stephen Finley alleging that Cynthia Sullivan, an incumbent King County Council member up for re-election in 2003, filed late and incomplete reports of contributions and expenditures regarding her 2003 re-election campaign.

Disposition: Pending

**Hammond, Steve--Case #04-239; Suemary Trobaugh**

Date Received: September 9, 2003

Date Started: September 19, 2003

Section of Law: RCW 42.17.080, .090 and .130

Status: Under Investigation

Summary: A complaint was received from David Osgood alleging that the Steve Hammond campaign failed to report the receipt of an in-kind contribution of professional services for the value of filing a challenge to Senator Pam Roach’s voter registration. Mr. Hammond is an incumbent King County Council member.

Disposition: Pending

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

The complaint also alleged that Diane Fish, a King County Council employee on Mr. Hammond’s staff, and Jeff Cox, also on Mr. Hammond’s King County Council staff, worked on the challenge to Senator Roach’s voter registration while on County time. This portion of the complaint will be added to the complaint as an alleged violation of RCW 42.17.130.

**Sax, Jeff—Case #04-244; Investigator: Tony Perkins**

Date Received: September 16, 2003

Date Started: September 19, 2003

Section of Law: RCW 42.17.060, .080, .090 & .125

Status: Under Investigation

Summary: A complaint was received from David Somers alleged that Jeff Sax, a candidate for Snohomish County Council in 2001, violated various sections of RCW 42.17. Mr. Somers alleged that a cash contribution (made with currency) was accepted by the Sax campaign in an amount that exceeds the allowable limit, and that the Sax campaign transferred money to Jeff Sax and his wife for expenses that were not directly related to his campaign. The complainant alleged that the Sax campaign failed to report two in-kind contributions and filed reports of contributions and expenditures late, in violation of RCW 42.17.080 and 090. Mr. Somers also alleged that the Sax campaign reported the receipt of contributions in the wrong “election cycle”, and that some of the contributions accepted by the Sax campaign exceeded contribution limits in violation of RCW 42.17.640. This portion of the complaint will not be investigated because it only applies to state office candidates.

Disposition: Pending

**Godden, Jean --Case #04-268; Investigator: Suemary Trobaugh**

Date Received: September 26, 2003

Date Started: October 1, 2003

Section of Law: RCW 42.17.530

Status: Under Investigation

Summary: A complaint was received from Linda Mitchell alleging that Jean Godden, a candidate for Seattle City Council, sponsored political advertising that falsely implied she had the endorsement of Washington State Attorney General Christine Gregoire.

Disposition: Pending

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**Long, Gary--Case #04-278; Investigator: Tony Perkins**

Date Received: October 7, 2003

Date Started: October 21, 2003

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

Summary: A complaint was received from J. Steven Thomas alleging that Gary Long, a candidate for fire commissioner in Snohomish County Fire District 4, exceeded the limits of mini reporting by accepting an in-kind contribution from the Snohomish Professional Firefighters Association in excess of the \$300 limit from a single contributor.

Disposition: Pending

**Towers, Steven--Case #04-279; Investigator: Tony Perkins**

Date Received: October 7, 2003

Date Started: October 21, 2003

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

Summary: A complaint was received from J. Steven Thomas alleging that Steven Towers, a candidate for fire commissioner in Snohomish County Fire District 4, failed to maintain records of campaign expenditures, including receipt of an in-kind contribution of a mailer paid for by the Snohomish Professional Firefighters Association, and that Mr. Towers failed to account for campaign signs in his records.

Disposition: Pending

**Hession, Dennis--Case #04-281; Investigator: Tony Perkins**

Date Received: October 15, 2003

Date Started: October 21, 2003

Section of Law: RCW 42.17.060, .080, .090 & .3691

Status: Under Investigation

Summary: A complaint was received from Donna McKereghan alleging that Dennis Hession, a candidate for Spokane City Council President, failed to timely deposit contributions within five business days of receipt, failed to timely file C-3 and C-4 reports of contributions and expenditures, and failed to timely file reports of contribution and expenditure activities electronically.

Disposition: Pending

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**Citizens for La Connor--Case #04-282; Investigator: Lori Anderson**

Date Received: October 15, 2003

Date Started: October 21, 2003

Section of Law: RCW 42.17.040, .080 & .090

Status: Under Investigation

Summary: A complaint was received from Dan O'Donnell alleging that Citizens for La Conner engaged in activities to support and oppose local candidates, but failed to register and report as a political committee.

Disposition: Pending

**Rodgers, Pat--Case #04-284; Investigator: Suemary Trobaugh**

Date Received: October 16, 2003

Date Started: October 21, 2003

Section of Law: RCW 42.17.510

Status: Under Investigation

Summary: A complaint was received from William Biery alleging that Pat Rodgers, a candidate for Jefferson County Commissioner, sponsored political advertising that failed to contain a complete sponsor identification including the address.

Disposition: Pending

**Jefferson County Republican Central Committee--Case #04-288; Investigator: Sally Parker**

Date Received: October 17, 2003

Date Started: October 21, 2003

Section of Law: RCW 42.17.530

Status: Under Investigation

Summary: A complaint was received from William Biery alleging that the Jefferson County Republican Central Committee sponsored political advertising that contained a false statement of material fact about Mark Rose, a candidate for Jefferson County Commissioner.

Disposition: Pending

**Citizens Campaign Committee --Case #04-291; Investigator: Tony Perkins**

Date Received: October 24, 2003

Date Started: October 24, 2003

Section of Law: RCW 42.17.040, .080, .090 & .105

Status: Under Investigation

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Summary: A complaint was received from Diana Phillips alleging that Citizen’s Campaign Committee, a recently formed political committee: 1) failed to register within three business days of its organization; 2) failed to timely file C-3 and C-4 reports disclosing contribution and expenditure activities; 3) accepted a contribution of more than \$5,000 within 21 days of the general election when it accepted \$10,000 from Patrick Echelbarger.  
Disposition: Pending

**Clemmons, David --Case #04-292; Investigator: Sally Parker**

Date Received: October 27, 2003  
Date Started: October 27, 2003  
Section of Law: RCW 42.17.080, & .090  
Status: Under Investigation

Summary: A complaint was received from Stan Scarvie alleging that David Clemmons, a candidate for Des Moines City Council, failed to file any required C-3 and C-4 reports for a candidate presumed to be under the full reporting option.  
Disposition: Pending

**Scott, Judy --Case #04-293; Investigator: Tony Perkins**

Date Received: October 27, 2003  
Date Started: October 27, 2003  
Section of Law: RCW 42.17.040, .080, .090 & WAC 390-16-105  
Status: Under Investigation

Summary: A complaint was received from Steven Clayton alleging that Judy Scott, a candidate for Port of Allyn Commissioner, exceeded the limits of Mini reporting, and failed to disclose contribution and expenditure activities as required for a candidate  
Disposition: Pending

**Moran, Karen --Case #04-294; Investigator: Sally Parker**

Date Received: October 28, 2003  
Date Started: October 28, 2003  
Section of Law: RCW 42.17.530  
Status: Under Investigation

Summary: A complaint was received from Nancy Whitten, a candidate for City Council in the City of Sammamish, alleging that Karen Moran and Michael Rundle (also candidates for City Council in the City of Sammamish) made false statements of material fact in political advertisements sponsored by their

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

respective campaigns. Ms. Whitten alleges that both falsely state that she (Nancy Whitten) authored a false mailing against Ms. Moran.  
Disposition: Pending

**Rundle, Michael --Case #04-295; Investigator: Sally Parker**

Date Received: October 28, 2003

Date Started: October 28, 2003

Section of Law: RCW 42.17.530

Status: Under Investigation

Summary: A complaint was received from Nancy Whitten, a candidate for City Council in the City of Sammamish, alleging that Karen Moran and Michael Rundle (also candidates for City Council in the City of Sammamish) made false statements of material fact in political advertisements sponsored by their respective campaigns. Ms. Whitten alleges that both falsely state that she (Nancy Whitten) authored a false mailing against Ms. Moran.

Disposition: Pending

**Young, Julie --Case #04-296 Investigator: Tony Perkins**

Date Received: October 28, 2003

Date Started: October 28, 2003

Section of Law: RCW 42.17.090

Status: Under Investigation

Summary: A complaint was received from Dan Foster alleging that Julie Young, a candidate for Vancouver City Council failed to make her campaign books and records available on the 8<sup>th</sup> day before the November 4, 2003 general election as required.

Disposition: Pending

**Workers Against Job Killing Rules--Case #04-299 & Building Industry Association of Washington—Case #04-300; Investigator: Kurt Young**

Date Received: October 28, 2003

Date Started: November 4, 2003

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

Summary: A complaint was received from Diane McDaniel with the Washington State Labor Council alleging that 1) Workers Against Job Killing Rules (WAJKR); 2) Building Industry Association of Washington (BIAW); 3) Washington Affordable Housing Council; 4) Pierce County Affordable Housing Council; 5) Master Builders Association of King and Snohomish County; 6)



**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Affordable Housing Council; 7) Association of Washington Business; 8) Independent Business Association; 9) National Federation of Independent Business; 10) Washington Food Industry; and 11) Washington State Farm Bureau violated RCW 42.17. The complaints against the entities other than WAJCR and BIAW are listed separately below.

The complaint alleges that WAJCR received contributions in excess of \$5,000, and that the BIAW made contributions in excess of \$5,000 within 21 days of the 2003 general election in violation of RCW 42.17.105. It is alleged that in some instances Last Minute Contribution reports were not filed, in violation of RCW 42.17.105 by the WAJCR and the BIAW. It is further alleged that in-kind contributions were not properly reported by WAJCR as a political committee (RCW 42.17.080 and .090) or BIAW as a lobbyist employer (RCW 42.17.180). The complaint also alleges that WAJCR failed to make all of its records available for inspection during the eight days before the general election (RCW 42.17.080(5)).

Disposition: Pending

**Association of Washington Business--Case #04-305; Investigator: Kurt Young**

Date Received: October 28, 2003

Date Started: November 4, 2003

Section of Law: RCW 42.17.180

Status: Under Investigation

Summary: A complaint was received from Diane McDaniel with the Washington State Labor Council alleging that the Association of Washington Business (AWB), a lobbyist employer, made in-kind contributions to the Workers Against Job Killing Rules, a political committee supporting a statewide initiative, that were “significant in nature” for employee work conducted on behalf of Initiative 841 that was not reported as required for a lobbyist employer.

Disposition: Pending

**Independent Business Association--Case #04-306; Investigator: Kurt Young**

Date Received: October 28, 2003

Date Started: November 4, 2003

Section of Law: RCW 42.17.180

Status: Under Investigation

Summary: A complaint was received from Diane McDaniel with the Washington State Labor Council alleging that the Independent Business Association (IBA), a lobbyist employer, made in-kind contributions to the Workers Against Job Killing

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Rules, a political committee supporting a statewide initiative, for employee work conducted on behalf of Initiative 841 that was not reported as required for a lobbyist employer.

Disposition: Pending

**National Federation of Independent Business--Case #04-307; Investigator: Kurt Young**

Date Received: October 28, 2003

Date Started: November 4, 2003

Section of Law: RCW 42.17.180

Status: Under Investigation

Summary: A complaint was received from Diane McDaniel with the Washington State Labor Council alleging that the National Federation of Independent Business Association (NFIB), a lobbyist employer, made in-kind contributions to the Workers Against Job Killing Rules, a political committee supporting a statewide initiative, for employee work conducted on behalf of Initiative 841 that was not reported as required for a lobbyist employer.

Disposition: Pending

**Washington Food Industry--Case #04-308; Investigator: Kurt Young**

Date Received: October 28, 2003

Date Started: November 4, 2003

Section of Law: RCW 42.17.180

Status: Under Investigation

Summary: A complaint was received from Diane McDaniel with the Washington State Labor Council alleging that the Washington Food Industry (WFI), a lobbyist employer, made in-kind contributions to the Workers Against Job Killing Rules, a political committee supporting a statewide initiative, for employee work conducted on behalf of Initiative 841 that was not reported as required for a lobbyist employer.

Disposition: Pending

**Washington State Farm Bureau--Case #04-309; Investigator: Kurt Young**

Date Received: October 28, 2003

Date Started: November 4, 2003

Section of Law: RCW 42.17.180

Status: Under Investigation

Summary: A complaint was received from Diane McDaniel with the Washington State Labor Council alleging that the Washington State Farm Bureau (WSFB), a

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lobbyist employer, made in-kind contributions to the Workers Against Job Killing Rules, a political committee supporting a statewide initiative, for employee work conducted on behalf of Initiative 841 that was not reported as required for a lobbyist employer.

Disposition: Pending

**Mooney, Pat --Case #04-310; Investigator: Sally Parker**

Date Received: November 12, 2003

Date Started: November 13, 2003

Section of Law: RCW 42.17.040, .080, .090 & WAC 390-16-105

Status: Under Investigation

Summary: A complaint was received from Michael Evans alleging that Pat Mooney, a candidate for the Port of Anacortes, received contributions and made expenditures in support of his candidacy in excess of the mini reporting option limits.

Disposition: Pending

**Perry, Andrea --Case #04-311; Investigator: Suemary Trobaugh**

Date Received: November 12, 2003

Date Started: November 13, 2003

Section of Law: RCW 42.17.080, .090, .510 & .530

Status: Under Investigation

Summary: A complaint was received from Tim Olsen alleging that Andrea Perry, a candidate for Bothell City Council; 1) sponsored political advertising that contained a false statement; 2) failed to include the fair market value of a website as an in-kind contribution; and 3) failed to include the proper sponsor identification on the website.

Disposition: Pending

**Wetcher, Brian --Case #04-313; Investigator: Sally Parker**

Date Received: November 20, 2003

Date Started: November 25, 2003

Section of Law: RCW 42.17.040, .080, .090 & WAC 390-16-105

Status: Under Investigation

Summary: A complaint was received from Talbot Wegg alleging that Brian Wetcher, a candidate for the Port of Anacortes, received contributions in excess of the mini reporting option limits.

Disposition: Pending

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**Clayton, Geoffrey --Case #04-314; Investigator: Sally Parker**

Date Received: November 24, 2003

Date Started: November 25, 2003

Section of Law: RCW 42.17.530

Status: Under Investigation

Summary: A complaint was received from Ronald Braun alleging that Geoffrey Clayton, a candidate for Woodinville Water Commissioner, sponsored political advertising in the form of yard signs that falsely implied he was an incumbent Water Commissioner.

Disposition: Pending

**Moran, Karen --Case #04-315; Investigator: Sally Parker**

Date Received: November 10, 2003

Date Started: November 25, 2003

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

Summary: A complaint was received from Scott Hamilton alleging that Karen Moran, a candidate for Sammamish City Council, failed to report telemarketing phone calls that were made in support of her candidacy.

Disposition: Pending

**Raplee, Debra--Case #04-399; Investigator: Lori Anderson**

Date Received: December 29, 2003

Date Started: January 5, 2004

Section of Law: RCW 42.17.530

Status: Under Investigation

Summary: A complaint was received from Todd Livingood alleging that Debra Raplee, a candidate for Kent City Council, sponsored political advertising that contained false statements made against Leona Orr, an incumbent Kent City Councilperson.

Disposition: Pending

**Gregoire, Christine (2004 Campaign)--Case #04-400; Investigator: Suemary Trobaugh**

Date Received: January 12, 2004

Date Started: January 12, 2004

Section of Law: RCW 42.17.640, .670 & 730

Status: Under Investigation

**Note: If the Disposition shows "Pending," the case has not yet been resolved and no finding on the allegations has been made.**

Summary: A complaint was received from Peter Abbarno, Executive Director of the Washington State Republican Party, alleging that the People for Chris Gregoire for Governor Campaign: 1) violated RCW 42.17.730 by assisting and paying for the bundling of campaign contributions intended for the Gregoire Campaign; 2) violated RCW 42.17.670 by failing to report the earmarked contributions as contributions from EMILY's List; and 3) violated RCW 42.17.640 by exceeding campaign contribution limits.  
Disposition: Pending

**EMILY's List--Case #04-401; Investigator: Suemary Trobaugh**

Date Received: January 12, 2004

Date Started: January 12, 2004

Section of Law: RCW 42.17.640, .670 & 730

Status: Under Investigation

Summary: A complaint was received from Peter Abbarno, Executive Director of the Washington State Republican Party, alleging that EMILY's List: 1) violated RCW 42.17.730 by bundling campaign contributions; 2) violated RCW 42.17.670 by failing to report earmarked contributions it solicited on behalf of the Christine Gregoire Campaign for Governor at its Washington, D.C. headquarters; and 3) violated RCW 42.17.640 by exceeding campaign contribution limits.

Disposition: Pending

**Rose, Foster--Case #04-419; Investigator: Kurt Young**

Date Received: January 16, 2004

Date Started: January 16, 2004

Section of Law: RCW 42.17.770

Status: Under Investigation

Summary: A PDC staff generated complaint was filed by Vicki Rippie, PDC Executive Director, alleging that Foster Rose solicited from candidates for the office of Bellingham Mayor an appointment to the paid position of Deputy Administrator for the City of Bellingham in exchange for his endorsement of those candidates.

Disposition: Pending

**Washington State Nurses Association PAC--Case #04-420; Investigator: Lori Anderson**

Date Received: January 16, 2004

Date Started: January 16, 2004

Section of Law: RCW 42.17.080 & .090

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Status: Under Investigation

Summary: A PDC staff generated complaint was filed by Vicki Rippie, PDC Executive Director, alleging that the Washington State Nurses Association Political Committee (PAC) failed to timely report contribution and expenditure activities undertaken during the period 1999 through 2003.

Disposition: Pending

**Grays Harbor County Democratic Central Committee--Case #04-421; Investigator: Lori Anderson**

Date Received: January 16, 2004

Date Started: January 16, 2004

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

Summary: A PDC staff generated complaint was filed by Vicki Rippie, PDC Executive Director, alleging that the Grays Harbor County Democratic Central Committee failed to timely report contribution and expenditure activities undertaken during the period 1999 through October 2003.

Disposition: Pending

**Washington Independent Bankers PAC--Case #04-422; Investigator: Kurt Young**

Date Received: January 16, 2004

Date Started: January 16, 2004

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

Summary: A PDC staff generated complaint was filed by Vicki Rippie, PDC Executive Director, alleging that the Washington Independent Bankers PAC failed to timely report contribution and expenditure activities undertaken during the period 2000 through 2003.

Disposition: Pending

**More Cops Now & Ed Troyer, Treasurer --Case #04-423; Investigator: Sally Parker**

Date Received: January 16, 2004

Date Started: January 16, 2004

Section of Law: RCW 42.17.080, .090, .105 & .3691

Status: Under Investigation

Summary: A PDC staff generated complaint was filed by Vicki Rippie, PDC Executive Director, alleging that More Cops Now committee, a political committee formed to support a local ballot proposition in Pierce County: (1) failed to include on its committee registration form (PDC form C-1pc) an address

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

or time for public inspection of its campaign books and records during the eight days before the election and failed to file its post election C-4 report of contribution and expenditure activities; (2) accepted a contribution in excess of \$5,000 within 21 days of the general election, and failed to file a last minute contribution report for such contribution; and (3) failed to file its contribution and expenditure reports electronically.  
Disposition: Pending

## **Cases Under Review**

### **The American Dream Coalition--Case #03-079; Investigator: Kurt Young**

Date Received: November 1, 2002

Date Started: November 1, 2002

Section of Law: RCW 42.17.100 and .530

Status: Under Review

Summary: A complaint was filed by John D. Morgan, Chair of the Kitsap County Democratic Central Committee, alleging that “The American Dream Coalition” and Michael Svardh failed to report independent expenditures made in opposition to Tim Botkin, an incumbent Kitsap County Commissioner seeking re-election, and made false statements about Mr. Botkin in political advertising paid for and sponsored by “The American Dream Coalition.”

Disposition: Pending

### **Fortunato, Phil, WA State Republican Party and Minnick, Chad--Case #03-154; Investigator: Lori Anderson**

Date Received: December 30, 2002

Date Started: January 10, 2003

Section of Law: RCW 42.17.530

Status: Under Review

Summary: A complaint was received from Geoff Simpson, a candidate for State Representative in the 47<sup>th</sup> Legislative District in 2002, against Phil Fortunato, also a candidate for State Representative in the 47<sup>th</sup> Legislative District, the Washington State Republican Party and Chad Minnick, a political consultant, alleging that the Respondents sponsored political advertising that contained false statements of material fact made with actual malice against Geoff Simpson during the 2002 legislative campaign between Mr. Fortunato and Mr. Simpson.

Disposition: Pending

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**Asher, Dave--Case #03-160A (Re-opened); Investigator: Suemary Trobaugh**

Date Received: August 21, 2003

Date Started: August 21, 2003

Section of Law: RCW 42.17.640

Status: Under Review (Case dismissed July 15, 2003 and re-opened August 21, 2003 after receiving additional evidence.)

Summary: A complaint was filed by Lois Gustafson alleging that Dave Asher, a candidate for State Representative in 2002 from the 45<sup>th</sup> Legislative District, exceeded the 2002 contribution limits by accepting an in-kind contribution from Argosy Cruise Lines for a fund raising event that exceeded the \$625 contribution limit for an election.

**Disposition:** Pending. This complaint was originally received March 20, 2003 and was dismissed with the concurrence of the Chair on July 15, 2003. It was initially found that on September 9, 2002, the David Asher campaign had a two-hour fundraiser on the MV Kirkland, an Argosy Cruise Lines vessel, with eighty people in attendance. The MV Kirkland remained docked for the duration of the fundraiser at Kirkland Marina, and the campaign did not use any catering or host beverage services from Argosy Cruise Lines. The campaign provided the food for the event, and those in attendance paid Argosy for their drinks at the cash bar. The President of Argosy Cruise Lines confirmed the fair market value of the use of the docked boat of \$625, and provided written confirmation of the value to the Asher campaign on April 7, 2003. In addition, he stated to PDC staff that the \$625 value of the moored boat was based on the past lack of use of the vessel on a Monday night, the fact that the boat remained moored during the entire two-hour event, and no catering services were used. Based on new information provided to the Commission, the investigation has been re-opened.

**Marin, Richard--Case #03-489; Investigator: Sally Parker**

Date Received: June 19, 2003

Date Started: June 30, 2003

Section of Law: RCW 42.17.080, & RCW 42.17.090

Status: Under Review

Summary: A complaint was received from Raymond Martin, alleging the Richard Marin, a candidate for Edmonds City Council, failed to timely file reports of contributions and expenditures and failed to report a contribution. On August 7, 2003, Mr. Martin complained that Mr. Marin failed to file an accurate and timely Personal Financial Affairs Statement. On September 5, 2003, Mr. Martin complained that Mr. Marin failed to timely report an additional contribution.



**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Disposition: Pending

**Citizens for Accountable Government--Case #04-020; Investigator: Suemary Trobaugh**

Date Received: July 9, 2003

Date Started: July 21, 2003

Section of Law: RCW 42.17.040, RCW 42.17.080 & RCW 42.17.090

Status: Under Review

Summary: A complaint was filed by Robert Smith alleging that Citizens for Accountable Government failed to register and report as a political committee for activities undertaken during a Spring of 2001 ballot proposition.

Disposition: Pending

**Sullivan, Cynthia (Surplus Funds)-- Case #04-023; Investigator: Tony Perkins**

Date Received: August 22, 2003

Date Started: August 25, 2003

Section of Law: RCW 42.17.090

Status: Under Review

Summary: A complaint was received from Stephen Finley alleging that Cynthia Sullivan, an incumbent King County Council member up for re-election in 2003, failed to timely file reports of activities undertaken with her surplus funds account, and that expenditures from her surplus funds account were not permissible.

Disposition: Pending

**Burrage, Jeannette--Case #04-237; Investigator: Sally Parker**

Date Received: September 8, 2003

Date Started: September 22, 2003

Section of Law: RCW 42.17.080 & .090

Status: Under Review

Summary: A complaint was received from Stan Scarvie alleging that Jeannette Burrage, a candidate for Des Moines City Council campaign, failed to timely file reports of contribution and expenditure activities.

Disposition: Pending

**People for Ethical Government (formerly registered as Friends of Aaron Reardon)  
Case #04-242; Investigator: Kurt Young**

Date Received: September 15, 2003

Date Started: September 19, 2003

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Section of Law: RCW 42.17.3691 & .730

Status: Under Review

Summary: A complaint was received from Paul Coates alleging that People for Ethical Government failed to file its reports electronically as required for a political committee, and that the committee's sole officer, Young Ja Lee, acted as an intermediary for a contribution that has not been properly disclosed to the recipient, People for Ethical Government. The complaint also alleged that People for Ethical Government was not eligible to make contributions in the Snohomish County Executive race, but that provision will not be investigated since it only applies to political committees making contributions to state office candidates.

Disposition: Pending

**Orvis, David -- Case #04-270; Investigator: Sally Parker**

Date Received: September 29, 2003

Date Started: October 1, 2003

Section of Law: RCW 42.17.530

Status: Under Review

Summary: A complaint was received from Raymond Martin alleging that David Orvis, an incumbent Edmonds City Councilmember up for re-election in 2003, sponsored a political advertisement that contained false statements.

Disposition: Pending

**Decker, Patrick --Case #04-272; Investigator: Tony Perkins**

Date Received: September 29, 2003

Date Started: October 1, 2003

Section of Law: RCW 42.17.040, .080 & .090

Status: Under Review

Summary: A complaint was received from Robert Crowe alleging that Patrick Decker, a candidate for Lynnwood City Council, failed to timely register as a candidate for public office, and that he failed to timely file reports of contribution and expenditure activities.

Disposition: Pending

**Demeroutis, Richard – Case #04-277; Investigator: Lori Anderson**

Date Received: October 7, 2003

Date Started: October 10, 2003

Section of Law: RCW 42.17.530

Status: Under Review

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Summary: A complaint was received from John Quast, alleging that Richard Demeroutis, a candidate for Edmonds City Council, sponsored political advertising that falsely implied he had the endorsement of Mr. Quast.  
Disposition: Pending

**Sultan Citizens Coalition--Case #04-283; Investigator: Lori Anderson**

Date Received: October 15, 2003  
Date Started: October 21, 2003  
Section of Law: RCW 42.17.040, .080 & .090  
Status: Under Review  
Summary: A complaint was received from Jeff Everett alleging that Sultan Citizens Coalition engaged in activities to support and oppose local candidates, but failed to register and report as a political committee.  
Disposition: Pending

**Highline Citizens for Good Government & Al Furney--Case #04-285; Investigator: Sally Parker**

Date Received: October 16, 2003  
Date Started: October 21, 2003  
Section of Law: RCW 42.17.040, .080 & .090  
Status: Under Review  
Summary: A complaint was received from Jeanne Pfeifer alleging that Highline Citizens for Good Government and Al Furney engaged in activities to support and oppose local candidates, but failed to register and report as a political committee.  
Disposition: Pending

**Tinsley, Tony--Case #04-287; Investigator: Kurt Young**

Date Received: October 17, 2003  
Date Started: October 21, 2003  
Section of Law: RCW 42.17.530  
Status: Under Review  
Summary: A complaint was received from Cathy Reese alleging that Tony Tinsley, a candidate for Mukilteo City Council, sponsored political advertising that falsely claimed he had the endorsement of Teamsters Local #563, the Mukilteo Police and Mukilteo Public Works employees. In addition, the complaint alleged that Mr. Tinsley continued to claim the endorsement in political advertising after being informed that he did not have the endorsement.  
Disposition: Pending

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**Citizens for Better Burien/Better Burien/Ronald L. Seale--Case #04-289;**

**Investigator: Lori Anderson**

Date Received: October 20, 2003

Date Started: October 21, 2003

Section of Law: RCW 42.17.040, .080 & .090

Status: Under Review

Summary: A complaint was received from Stephen Lamphear alleging that Citizens for Better Burien, a local political committee, failed to register and report its activities to support or oppose local candidates. The complaint also alleged that Better Burien, a separate committee, has failed to file a complete Committee Registration Statement (PDC Form C-1pc) and has not listed a time and place to review campaign records during the open records inspection period.

Disposition: Pending

**Reardon, Aaron--Case #04-290; Investigator: Kurt Young**

Date Received: October 24, 2003

Date Started: October 24, 2003

Section of Law: RCW 42.17.050

Status: Under Review

Summary: A complaint was received from Dorothy Zimmerman alleging that Aaron Reardon, a candidate for Snohomish County Executive, established, directed and controlled more than one committee, specifically, People for Ethical Government (formerly Friends of Aaron Reardon), and his 2003 campaign committee at the same time.

Disposition: Pending

**Washington Affordable Housing Council--Case #04-301; Investigator: Kurt Young**

Date Received: October 28, 2003

Date Started: November 4, 2003

Section of Law: RCW 42.17.105

Status: Under Review

Summary: A complaint was received from Diane McDaniel with the Washington State Labor Council alleging that the Washington Affordable Housing Council, the state political committee of the Building Industry Association of Washington, received contributions during the 21-day period prior to the general election in excess of the \$5,000 limitation.

Disposition: Pending

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**Citizens for a Responsible Majority (C-Farm) --Case #04-383; Investigator: Lori Anderson**

Date Received: December 1, 2003

Date Started: December 2, 2003

Section of Law: RCW 42.17.040, .080, .090 & .640

Status: Under Review

Summary: A complaint was received from Kurt Fritts, with the Senate Democratic Campaign Committee, alleging that Citizens for a Responsible Majority (C-Farm); 1) failed to timely file an amended Committee Registration Statement (PDC Form C-1pc); 2) failed to timely report contribution and expenditure activities; and 3) did not receive the required \$10 from ten registered voters within the last 180 days in order to be eligible to make contributions to legislative candidates.

Disposition: Pending

**NOTE: On July 29, 2002, King County Superior Court Judge Richard McDermott issued a Permanent Injunction in *Washington Education Association v. PDC et al.* against the PDC’s distribution of, investigations concerning, and enforcement of certain provisions of the PDC’s “Guidelines for School Districts in Election Campaigns” that were finalized by the PDC in August 2001. The Guidelines explain the PDC’s interpretation of RCW 42.17.130. The Findings of Fact and Conclusions of Law that were also entered by the superior court, along with the Permanent Injunction, raised questions about the constitutionality of RCW 42.17.130. The PDC filed an appeal from the Permanent Injunction with the Washington State Supreme Court, and also filed an Emergency Motion to Stay the Injunction Pending Appeal. On September 4, 2002, that motion was denied. As a result, the Permanent Injunction, and the Findings of Fact and Conclusions of Law, remained in effect. The State Supreme Court heard this case after full briefing and arguments by the parties and has issued its written decision overturning the lower courts injunction.**

**Investigations for the following six cases alleging a violation of RCW 42.17.130 had been listed as “suspended” in previous compliance memo’s pending the outcome of the litigation referred to above. The pending litigation has been resolved, and on January 13, 2004, the Commission instructed staff to re-activate its investigations of alleged violations of RCW 42.17.130. In future compliance memos, these six cases will be listed with the other cases as active investigations. In addition, a number of complaints alleging violations of RCW 42.17.130 were received during the time when investigations were under suspension, and those cases will also be listed in future compliance memos.**

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**City of Vancouver (City Officials) -- Case #02-286; Investigator: Suemary Trobaugh**

Date Received: January 30, 2002

Date Started: February 13, 2002

Section of Law: RCW 42.17.130

Status: Investigation Suspended

Summary: A complaint was received from Kelly Hinton alleging that officials of the City of Vancouver used city facilities to support a February 5, 2002, local ballot proposition.

Disposition: Pending

**Spencer, Dane-- Case #02-291; Investigator: Suemary Trobaugh**

Date Received: March 18, 2002

Date Started: April 1, 2002

Section of Law: RCW 42.17.130

Status: Investigation Suspended

Summary: A complaint was received from Tom Hujar alleging that officials of the Bainbridge Island Park District used park facilities to support a February 5, 2002, local ballot proposition.

Disposition: Pending

**Foote, Jr., H. M. -- Case #02-292; Investigator: Sally Parker**

Date Received: April 1, 2002

Date Started: April 15, 2002

Section of Law: RCW 42.17.130 and .510

Status: Investigation Suspended

Summary: A complaint was received from Robert Awford alleging that Michael Foote used the facilities of King County Water District #54 to produce and distribute a flyer that supported or opposed candidates for Des Moines City Council during the 2001 City Council elections.

Disposition: Pending

**Pearsall-Stipek, Cathy; McCarthy, Pat-- Case #02-294; Investigator: Sally Parker**

Date Received: April 3, 2002

Date Started: April 15, 2002

Section of Law: RCW 42.17.130

Status: Investigation Suspended

Summary: A complaint was received from Dale Washam alleging that Cathy Pearsall-Stipek, Pierce County Auditor, used or authorized the use of facilities of

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

the Pierce County Auditor’s Office to assist her 1998 election campaign for Pierce County Auditor and the 2002 election campaign of Pat McCarthy for Pierce County Auditor. The portion of the complaint alleging that Pat McCarthy violated RCW 42.17.130 was dismissed July 22, 2002.

Disposition: Pending

**Foote, Jr., H. M. -- Case #02-296; Investigator: Sally Parker**

Date Received: April 15, 2002

Date Started: April 19, 2002

Section of Law: RCW 42.17.040, .080, .090, .100, .130, .240 and .510

Status: .130 Portion of Investigation Suspended

Summary: A complaint was received from Dave Kaplan alleging a number of violations against several candidates and individuals. One allegation was that Michael Foote used the facilities of King County Water District #54 to produce and distribute a flyer that supported or opposed candidates for Des Moines City Council in the 2001 City Council elections. That portion of the complaint has been suspended pending the outcome of pending litigation. See Table of Contents for location of additional case summary information.

Disposition: Pending

**Anderson, Don--Case #03-007; Investigator: Kurt Young**

Date Received: July 10, 2002

Date Started: July 10, 2002

Section of Law: RCW 42.17.130

Status: Investigation Suspended

Summary: A complaint was received from Karl Sloan alleging that Don Anderson, an employee of the Okanogan County Prosecutor’s Office and a candidate for Okanogan County Prosecutor in 2002, violated RCW 42.17.130 by using the facilities of the Okanogan County Prosecutor’s Office to support his candidacy.

Disposition: Pending